

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 24, 2009

TO: Honorable Patrick M. Rose, Chair, House Committee on Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB639 by Lucio (Relating to the rights of persons with intellectual or developmental disabilities residing in state schools.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 592, Health and Safety Code, to establish a list of rights of persons with intellectual or developmental disabilities residing in state schools operated by the Department of Aging and Disability Services (DADS) and the Intermediate Care Facility for persons with Mental Retardation (ICF-MR) component of the Rio Grande State Center operated by the Department of State Health Services (DSHS). It would require DADS and DSHS to provide each resident with a written copy of the rights in English and Spanish and, if applicable, a copy to a resident's legal guardian or parent. The bill would require a state school to display a copy of the rights in English and Spanish. The bill would require a state school to explain the rights to a person admitted to a state school within 24 hours of admission. The Executive Commissioner of the Health and Human Services Commission would be required to adopt rules relating to the form of the rights by January 1, 2010. The bill would require a state school to provide and display the rights by February 1, 2010.

The bill would require the Executive Commissioner to develop by rule protocols to divert individuals under 22 years of age with intellectual or developmental disabilities from commitment to a state school. The bill would require the protocols be designed to eliminate the commitment to state schools of individuals younger than 22 years of age; and state that individuals under 22 years of age must be placed in state schools on a temporary basis. Subject to the availability of funds, the bill would allow DADS to contract for the provision of temporary, emergency living arrangements for individuals under age 22 at immediate risk of commitment to a state school. The contracted providers would be required to operate with no more than six individuals placed in the home.

DADS and DSHS indicate they can absorb the costs associated with providing, posting, and explaining the rights enumerated in the bill.

This analysis assumes that the bill would not significantly alter the costs of serving individuals younger than 22 years of age with intellectual or developmental disabilities who under current law and practice would be served in a state school. The bill would not prohibit the temporary placement of individuals younger than 22 years of age at a state school and would not appropriate funds to increase the availability of slots in community-based waiver programs. Medicaid waivers are currently not considered a federal entitlement and therefore the state has discretion as to how many individuals are served. If services were provided to these individuals in the Home and Community-Based Services waiver program, DADS estimates the biennial cost to be \$16,982,424 in All Funds, of which \$6,985,720 would be General Revenue Funds. This cost is based on fiscal year 2008 admissions to state schools of individuals under the age of 22.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 539 Aging and Disability Services,
Department of

LBB Staff: JOB, CL, JI, LL